

1 4/20/2023 - Monthly Meeting

2 STATE OF NEW YORK

3 PUBLIC SERVICE COMMISSION

4 MONTHLY MEETING

5
6 Thursday, April 20, 2023

7 10:30 a.m. until 12:11 p.m.

8 ESP, Building 3, 19th Floor Boardroom

9 Albany, New York

10

11 COMMISSIONERS:

12 RORY M. CHRISTIAN, Chair

13 DIANE X. BURMAN

14 JAMES S. ALESI

15 TRACEY A. EDWARDS

16 JOHN B. HOWARD

17 DAVID J. VALESKY

18 JOHN B. MAGGIORE

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2 (The meeting commenced at 10:30 a.m.)

3 CHAIR CHRISTIAN: Good morning
4 everyone. I call this session of the Public Service
5 Commission to order. Madam Secretary, are there any
6 changes to the final agenda?

7 SECRETARY PHILLIPS: There are no
8 changes to the final agenda.

9 CHAIR CHRISTIAN: Thank you. First
10 I'll conduct a roll call of commissioners. When I
11 say your name please confirm that you are with us.
12 Commissioner Diane Burman.

13 COMMISSIONER BURMAN: Present.

14 CHAIR CHRISTIAN: Commissioner James
15 Alesi.

16 COMMISSIONER ALESI: I am here.

17 CHAIR CHRISTIAN: Commissioner Tracey
18 Edwards.

19 COMMISSIONER EDWARDS: I am here.

20 CHAIR CHRISTIAN: Commissioner John
21 Howard.

22 COMMISSIONER HOWARD: Here.

23 CHAIR CHRISTIAN: Commissioner David
24 Valesky.

25 COMMISSIONER VALESKY: Here.

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2 CHAIR CHRISTIAN: Commissioner John
3 Maggiore.

4 COMMISSIONER MAGGIORE: Here.

5 CHAIR CHRISTIAN: Excellent. Thank
6 you. We'll move to the regular agenda. Our first
7 item for discussion is Item 301 Case 20-E-0197
8 related to Con Edison's cost recovery to a clean
9 energy hub. This will be presented today by Tammy
10 Mitchell, director of the Office of Energy System
11 Planning and Performance. Accompanying her will be
12 our General Counsel Bob Rosenthal. Leka Gjonaj,
13 Nicola Jones, Liliya Randt are all available for
14 questions. Tammy, please begin.

15 MS. MITCHELL: Thank you. Good
16 morning Chair and Commissioners. Item 301 relates to
17 a request made by Con Edison by petition and
18 supplement for cost recovery associated with what Con
19 Ed refers to as its clean energy hub, a 345 K.V.
20 substation that it proposes to build in northwest
21 Brooklyn on company owned property located adjacent
22 to the East River and existing Farragut Substation.

23 The petition, filed on April 15th,
24 2022, proposes a version of the hub that would act as
25 a point of interconnection or P.O.I. for 6,000

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2 megawatts of offshore wind, inject the energy from
3 offshore wind into most of northern Brooklyn and
4 parts of Manhattan and Queens and costs an estimated
5 \$1 billion.

6 The supplement, filed on December
7 13th, 2022, proposes an alternate version of the hub
8 aimed primarily at meeting a projected load
9 reliability need with the -- which the company states
10 is expected to arise in the summer of 2028. The
11 supplement states that this version of the hub would
12 otherwise act as a P.O.I. for 1,500 megawatts of
13 capacity from any resource and have an estimated cost
14 of \$810 million.

15 As way of background, Con Edison
16 identified the hub as a potential C.L.C.P.A. phase 2
17 project in the Utility Transmission and Distribution
18 Investment working group report filed on November
19 2nd, 2020. The commission first addressed the hub in
20 its Order on Power Grid study recommendations issued
21 on January 20th, 2022. In that order, the commission
22 noted that based on information provided by Con
23 Edison in the utility report and in response to
24 information requests, the hub would be electrically
25 tied to substations serving major population centers

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2 in Brooklyn and Manhattan and could accommodate at
3 least 3,000 megawatts of offshore wind generation.

4 Based on the need to address the
5 difficulty and building new onshore substations as
6 P.O.I.s for offshore wind energy, the January 2022
7 order authorized Con Edison to file a petition
8 seeking approval for phase 2 cost recovery associated
9 with the hub. In its order the commission specified
10 that among other criteria, Con Edison must address
11 the project's ability to both accommodate energy from
12 offshore wind and inject such energy into the New
13 York control area, and the feasibility of routing
14 alternate -- alternating current transmission lines
15 from each converter station to the hub.

16 The commission also specified that Con
17 Edison must provide an engineering cost estimate
18 associated with the hub proposal. And just to
19 provide some further background, first, Public
20 Service Law Section 66-j subsection 5 requires the
21 commission to create a program to require load
22 serving entities or L.S.E.s to procure at least 9
23 gigawatts of offshore wind by 2035.

24 The commission C.E.S. modification
25 order, issued in October of 2020, complied with this

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2 requirement by authorizing NYSERDA to issue
3 solicitations for up to 9 gigawatts of offshore wind
4 renewable energy credits or ORECs and obligating
5 L.S.E.'s to purchase those ORECs. Second, the power
6 grid study prepared by D.P.S. staff and NYSERDA in
7 January of 2021 recommends that 6 of the 9 gigawatts
8 of offshore wind interconnect into New York City.

9 Third, NYSERDA has entered into OREC
10 contracts for four projects, two of which are slated
11 to interconnect into New York City. They are Empire
12 Wind 1, an 816 megawatt facility with Gowanus
13 Substation as the point of interconnection and Beacon
14 Wind, a 1,230 megawatt facility with -- with one of
15 the Astoria substations as the point of
16 interconnection. Therefore, the immediate need as
17 defined P.O.I.s to support at least 4 gigawatts of
18 offshore wind into New York City.

19 Fourth, as noted in the January 2022
20 order, there are several feasibility issues
21 associated with routing transmission cables through
22 New York Harbor into New York City. Most are related
23 to routing transmission cables through the Narrows
24 and the East River. To restate, the January 2022
25 order directed Con Edison to provide specific details

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2 regarding the feasibility of using the hub as a point
3 of interconnection for offshore wind.

4 However, the petition filed by Con
5 Edison pointed only to the New York I.S.O.
6 Interconnection Process as the mechanism by which the
7 feasibility of interconnecting offshore wind energy
8 to the hub would be addressed. The petition was
9 noticed in the State Register and subjected to public
10 comment, a public comment process, as well as a
11 technical conference held on August 17th, 2021.

12 Many of the comments and conference
13 participants addressed Con Edison's assertion
14 regarding the feasibility of using the hub as a
15 P.O.I. for 6,000 megawatts of offshore wind. For
16 example, the New York Offshore Wind Coalition stated
17 that the ability to run multiple submarine cables
18 into the East River is a potential Achilles heel with
19 the hub.

20 Other offshore wind and transmission
21 developers made a similar point. The draft order
22 before you would deny the petition. Based on the
23 record, the order acknowledges that interconnecting
24 between 5,000 megawatts and 6,000 megawatts of
25 offshore wind into Zone J may be difficult due to the

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2 scarce cable routing corridors and highlights the
3 need to preserve maximum efficient use of those
4 limited corridors moving forward.

5 On the other hand, the draft order
6 also acknowledges the significant generator interest
7 in using the Farragut Substation as a point of
8 interconnection. Six offshore wind projects, with a
9 total capacity of 7,670 megawatts, have identified
10 Farragut Substation located adjacent to the hub site
11 as a potential P.O.I. in the New York I.S.O.
12 interconnection queue. However, Con Edison asserted
13 that Farragut lacks of ability to be expanded so any
14 new P.O.I.s would have to be located at the proposed
15 hub.

16 While noting that the interest in
17 using Farragut as a P.O.I. for offshore wind shows
18 that some due diligence has been undertaken by
19 offshore wind developers regarding the feasibility of
20 routing transmission cables to the area of the hub,
21 the draft order would deny the petition based on lack
22 of details provided by Con Edison regarding the
23 feasibility of interconnecting a full 6,000 megawatts
24 into the hub.

25 Let me next discussed the supplement

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2 to the petition which again was filed on December
3 13th, 2022 and offers a less expensive version of the
4 hub aimed primarily at meeting a near term projected
5 local reliability need. As explained in the
6 supplement, electric customer demand in the areas
7 currently served by two distribution area substations
8 in Brownsville, Brooklyn is expected to increase
9 significantly due to factors such as increased
10 electrification from electric vehicles.

11 To address the reliability need, Con
12 Edison states that it must complete construction of a
13 new distribution substation, which it calls Gateway,
14 by the summer of 2028. The supplement explains that
15 the hub is the only source of energy to Gateway that
16 can be built by the summer of 2028 need date. Con
17 Edison also notes that the hub would provide energy
18 to two additional distribution substations that need
19 to be built in New York City in the future.

20 Additionally, the version of the hub
21 proposed in the supplement would support points of
22 interconnection for 1,500 megawatts, far less than
23 the 6,000 megawatts associated with the version of
24 the hub originally proposed and would cost an
25 estimated \$810 million.

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2 Of note, Con Edison provided
3 information in the supplement showing that building
4 the hub focused on reliability only with no points of
5 interconnection would cost \$773 million or \$37
6 million less than the version proposed in the
7 supplement, and that it would cost far -- far more to
8 include the P.O.I.s for 1,500 megawatts of capacity
9 post construction. Relatedly, New York City is going
10 to need several 345 K.V. substations to address the
11 projected increase in demand in any event.

12 The supplement also proposes an
13 alternative cost recovery mechanism based on Con
14 Edison's acknowledgement that because the project's
15 only certain use at this juncture is to meet local
16 reliability needs, the commission may determine that
17 its cost should initially be paid by Con Edison
18 customers only. The supplement specifies that should
19 the commission opt to have Con Edison customers pay
20 for the hub, the company requests to make a filing at
21 least one year prior to the project's in-service date
22 to inform the commission whether any offshore wind
23 developers have expressed interest in using the hub
24 as a point of interconnection.

25 The supplement specifies that the

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2 future filing may request statewide load ratio share
3 cost recovery for aspects of the P.O.I.s used for
4 offshore wind energy. The draft order before you
5 would grant the supplement. The record of the case
6 and the projections established by Con Edison show
7 that the hub is the only potential substation that
8 can provide new supply to energize Gateway and time
9 to meet the local reliability need in Brownsville.

10 The record also shows that due to
11 expanded load growth, attributable to accelerated
12 growth from electrification, two additional
13 distribution area substations -- stations needed by
14 2042 could also be served by the hub. Indeed much of
15 the load growth projected in the power grid study
16 would occur in New York City creating the need for
17 between 3 and 5 additional 345 K.V. substations in
18 New York City to accommodate the projected increase
19 in load.

20 As noted, a reliability only version
21 of the hub, which would cost \$37 million less or 4.6%
22 less than the version proposed in the supplement,
23 would not provide any P.O.I.s. The relatively small
24 incremental cost of \$37 million associated with the
25 version proposed in the supplement would include

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2 relevant equipment to allow the hub to act as a make
3 ready P.O.I. for 1,500 megawatts of energy from any
4 energy resource.

5 Additionally, as noted, based on the
6 projects in the New York I.S.O. interconnection
7 queue, there is an interest in using the Farragut
8 Substation as a P.O.I. for over 7,000 megawatts of
9 offshore wind energy. Because the hub could act as
10 an alternative to Farragut in this respect, this
11 level of interest suggests that at least 1,500
12 megawatts of energy from any resource would use the
13 hub as a P.O.I.

14 The order would note that because the
15 version of the hub proposed in the supplement would
16 be built primarily to maintain local reliability, the
17 costs are recoverable from Con Edison's ratepayers
18 only. The order would grant Con Edison's request to
19 file a petition no later than one year prior to the
20 hub's in-service date to request an alternative cost
21 recovery mechanism associated with the hub which
22 would need to make a showing that the hub is to be
23 used to interconnect renewable energy.

24 The order, however, would note the
25 commission's skepticism regarding whether it would

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2 authorize Con Edison to seek alternative cost
3 recovery for the aspects of the hub that appear
4 focused on reliability. In other words, the \$773
5 million associated with what Con Edison describes as
6 the reliability only version of the hub.

7 Finally, the draft order addresses
8 several rate related issues. For example, to
9 maintain transparency, the order provides an estimate
10 of the rate increases associated with the version of
11 the hub that would be approved in the order. The
12 order also notes that the project scope detail and
13 cost estimate accuracy for the proposed hub is a rate
14 case quality submittal with a contingency of plus 30%
15 such that the cost estimate and schedule for the
16 scope of work is reasonable for a capital investment
17 that is proposed in advance of project specific
18 engineering. This concludes my presentation and we
19 are available for questions.

20 CHAIR CHRISTIAN: Thank you, Tammy. I
21 appreciate the presentation and the work going into
22 this. What I find interesting about this order is
23 that it highlights the growing demand for electricity
24 and the importance of making investments in a timely
25 manner to meet these needs.

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2 Growing demand proven in part by
3 increased adoption in use of electric vehicles and
4 electrification in general. And this highlights an
5 important consideration that has come up frequently
6 in the press, again, the need to make sure our
7 investments keep pace with this progress and the need
8 to also make sure that these investments are
9 coordinated properly and executed in a timely manner
10 to maximize the benefits while minimizing frustration
11 both to consumers and to the industry and commercial
12 interests alike.

13 Commission actions leading up to this
14 have anticipated these needs and this order
15 highlights how we can take proactive action in a
16 situation that's constantly evolving. So given the
17 clear and obvious reliability benefits and the
18 additional potential benefits for future
19 interconnection, I find this project aligned with the
20 public interest and I'm in full support. Thank you
21 for your presentation.

22 I'll go to you, Commissioner Burman,
23 for comments.

24 COMMISSIONER BURMAN: Thank you so
25 much. First I want to take a moment to thank staff

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2 for the good work that they've done with this. I --
3 I look at this as what we have before us today is an
4 item that is trying to address the reliability needs,
5 local reliability needs that are ongoing. And for
6 that I think it's important, you know, as we do look
7 forward with the clean energy transition we see that
8 we're going to have increased electricity demand and
9 needing to address that so that we don't put at risk
10 reliability. But underscoring that needs to also be
11 affordability and how that fits in with us as we're
12 looking at the increased rate impacts, but bill
13 impacts overall.

14 I guess the question I have for staff,
15 I did have a few questions, but the first one really
16 is, I was struck that this went from the original
17 petition which was a phase 2 which is really looking
18 more at C.L.C.P.A. activities and to then a
19 supplement which is really a phase 1 strictly focused
20 on reliability. And I was struck that in looking
21 through the parties comments, both in the initial
22 original petition and then at the technical
23 conference and then in the supplemental petition,
24 that it was somewhat confusing in terms of how we are
25 going to be looking at this because still on the

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2 table was the original petition rather than being
3 withdrawn in a new petition or the supplement taking
4 complete place of the original petition.

5 And I feel that the comments then were
6 having to sort of balance not knowing where we might
7 go rather than, you know, sort of acknowledging where
8 we are today which is that the original petition is
9 being denied. But in the original petition and sort
10 of the -- the rationale has been focused on that
11 they, Con Ed did not provide as requested details on
12 the feasibility. And I'm trying to really understand
13 why do they not provide details. Is it because they
14 were unable to? Is it because the details might
15 provide that it was likely unfeasible? So I'm just
16 trying to understand a little bit of was there
17 analysis done on that in a way that really addresses
18 what the inability to provide that sufficient detail
19 for consideration was.

20 MS. MITCHELL: Morning, Commissioner
21 Burman. So as far as I can see the -- the real
22 challenge here is one of siting, so it's the ability
23 to run these cables, you know, through the Narrows,
24 through then New York Harbor. I don't think Con
25 Edison actually did an in-depth analysis of what's

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2 under the water and -- and how you would get cables
3 through there.

4 COMMISSIONER BURMAN: Okay. Going
5 forward are they going to have to do an in-depth
6 analysis when we -- perhaps when they come back
7 seeking other cost recovery and different mechanism?
8 Will that be part of it? I'm just trying to
9 understand sort of that next step of that.

10 MS. MITCHELL: So going forward, if
11 this is approved, then Con Edison will construct this
12 substation. In the meantime, if there are developers
13 that want to use the clean energy hub as a point of
14 interconnection, they would address the ability, the
15 feasibility of interconnecting their projects through
16 their -- their process. So I don't believe that it's
17 really a Con Edison requirement going forward.

18 COMMISSIONER BURMAN: Okay. Thank
19 you. I appreciate that. So it's clear that staff
20 and Con Edison believe that the facility is needed
21 for reliability. And to be clear, I do think that we
22 have an obligation to ensure reliable electric
23 service for Con Ed ratepayers in this case.

24 My -- my concern is that really on the
25 end of future cost recovery, if -- I'm trying to sort

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2 of wrap my head around what is the sort of message
3 that we're sending as to potential future cost
4 recovery. And now the order, while I think it tries
5 to lay out all the different scenarios, I -- I don't
6 know that it gives full certainty to folks in terms
7 of what we may do further as to cost recovery, future
8 cost recovery.

9 We may do -- we may look under Order
10 1,000 competitive process. We may need to, you know,
11 extend this out further. We may need to do or
12 examine whether we're going to do a load share type
13 cost recovery alternative mechanism. And so it's too
14 uncertain to me in future costs, lack of competitive
15 process and -- and then the real sort of concern I
16 have is will this actually get built in time to
17 address the local reliability needs. I don't know if
18 anyone has any thoughts on that.

19 MS. MITCHELL: As -- as far as the
20 timing, according to the company, it is feasible to
21 get this built in time to address the reliability
22 needs. And staff will continuously monitor this
23 project, as we do other capital projects as well, as
24 far as timing and cost and schedule.

25 COMMISSIONER BURMAN: Okay. Thanks.

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2 I -- I guess I'm looking also for some -- what those
3 challenges will be and to make sure that there isn't
4 sort of a -- we're needing to understand what that
5 looks like. The other thing that I think I was
6 struck by is that in this case, it -- it is in the
7 draft order but also some of the parties talk about
8 tying feasibility to expressions of interest from
9 offshore wind developers. And the draft order talks
10 about future cost recovery perhaps coming and showing
11 that there is expressions of interest from
12 developers.

13 I think I'm left not feeling
14 comfortable that we would tie feasibility to
15 expressions of interest without something a little
16 bit more. The reason for me is a lot of people can
17 express interest in something but what that actually
18 looks like, whether it actually happens and whether
19 the expressions of interest are actually feasible,
20 whether the expression of interest, you know, is done
21 in a way that is helpful to give us information. And
22 so I don't want us to be left saying, yes, look you
23 got, you know, significant interest here so that
24 means that it's feasible. Or, well, you got one
25 really good interest here so that's feasible. I

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2 don't know if you -- can you talk a little bit about
3 that?

4 MS. MITCHELL: So if I understand the
5 question I -- I think this draft order leaves that
6 issue open for exactly the reasons you're talking
7 about. Within the next few years things are going to
8 be happening, transmission development is going to
9 happen. There -- there may be other public policy
10 solicitations. We will see more detail about what
11 the developers are proposing as far as points of
12 interconnection and -- and the feasibility of getting
13 to those points of interconnection.

14 And I think this draft order allows
15 the commission to look at all the information we have
16 in the future including the rationale that the
17 company needs to submit in order to determine whether
18 that truly is a showing that these points of
19 interconnection will be used.

20 COMMISSIONER BURMAN: Okay. Thank
21 you. And I think this might be a counsel question.
22 What is it in terms of our next steps with the
23 competitive process in Order 1,000 because a number
24 of the parties do raise, I think, legitimate concerns
25 that we are doing this outside of the competitive

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2 process.

3 MR. ROSENTHAL: So I'll point you to
4 pages 31 and 32 of the draft order which specifically
5 addresses that point. Several of the parties, as you
6 noted, including multiple intervenors, NextEra, Rise,
7 several other offshore and transmission developers
8 raised that precise point. What the order says is
9 that the NYISO issued its most recent solicitation
10 regarding public policy transmission needs which is a
11 competitive process on August 31st, 2022.

12 It's a biennial process and the
13 commission plays its role in that process by taking
14 comments that are provided in response to the NYISO
15 solicitation and putting them through the SAPA public
16 comment process which its done here. And then
17 pursuant to that process, the commission, once that
18 process is completed, which is -- which it has been
19 now, you know, we have a fully submitted public
20 comments. And now -- now the commission can act on
21 all of the responses to the solicitation including
22 responses related to offshore wind transmission.

23 COMMISSIONER BURMAN: Okay. Thank
24 you. I -- I do -- I guess where I come from on this
25 is that I do understand Con Ed wanting sort of a

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2 guarantee on its return on equity. And as to the
3 local reliability needs, if it's, you know, if it's
4 shown that it is needed and will be done for
5 reliability needs, I can understand that aspect of
6 it.

7 I am concerned about the sort of
8 unclear in whether or not we would fully look to a
9 competitive process on future cost recovery and
10 perhaps also, you know, not sort of relying on Con Ed
11 to come back but doing it really whereas Con Ed like
12 anyone else bidding into the process. I don't know
13 if you have any thoughts on that.

14 MR. ROSENTHAL: I think that the draft
15 order largely agrees with, you know, the precise
16 points that you're making. It, you know, I don't
17 have the page number in front of me, but it actually,
18 you know, identifies the process and notes that Con
19 Ed there's nothing preventing Con Ed from, you know,
20 participating in either the NYISO process or really
21 even the NYSERDA process if a -- if an offshore wind
22 developer wants to use, you know, Con Ed's ability it
23 can do that. And it can join with Con Ed. There's -
24 - there's nothing preventing that, and the order
25 addresses that issue specifically.

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2 COMMISSIONER BURMAN: Okay. Great.

3 Thank you. I -- I appreciate the clarity. For me I
4 do -- I'd like a little bit more clarity. You know,
5 I do think that this draft order tries to, in a
6 proper way, leave open different processes that may
7 be available. I -- I am hoping that the message from
8 the -- the draft order, if approved, really does sort
9 of make sure that folks understand that we do see
10 there are reliability needs. Not just, you know,
11 from this but overall.

12 Costs are becoming an issue and we
13 need to look at really all different things. And we
14 cannot just rely on, you know, one utility. It's got
15 to be several different approaches, all hands on
16 deck, all tools on deck. And to the extent that, you
17 know, we do need to leave the door open on being --
18 having true competitive processes available and to
19 make sure that we are not going down a road that
20 limits that because of timing issues.

21 And that, you know, if there is a need
22 for us to see the feasibility, we need that analysis.
23 And -- and that we really, you know, are not looking
24 at this to be borne by the ratepayers without
25 necessarily showcasing what, you know, they're

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2 getting for it. So with that I have no further
3 questions. Thank you.

4 CHAIR CHRISTIAN: Thank you
5 Commissioner Burman. Commissioner Alesi.

6 COMMISSIONER ALESI: Thank you, Mr.
7 Chairman. Thank you for your thorough and detailed
8 insights. By and large I agree with the comments of
9 the chair and I don't have any further questions or
10 comments at this point.

11 CHAIR CHRISTIAN: Thank you
12 Commissioner. Commissioner Edwards.

13 COMMISSIONER EDWARDS: Yes, good
14 morning. I just want to just have one clarifying
15 point for me. So what we're doing in the supplement
16 is by and large it's going to allow for the Gateway
17 to move forward, which is primarily for the electric
18 vehicles. And it's going to provide 1,500 megawatts
19 of the 5.6? Is that correct, Tammy?

20 MS. MITCHELL: So in this order, the
21 commission would be approving the construction of Con
22 Ed's clean energy hub. That will be the supply to
23 the Gateway distribution substation. And it's
24 expected.

25 COMMISSIONER EDWARDS: That's Gateway,

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2 yes.

3 MS. MITCHELL: Correct. And the clean
4 energy hub would allow for 1,500 megawatts of points
5 of interconnection for any source.

6 COMMISSIONER EDWARDS: Okay. Good.
7 All right. Thank you.

8 CHAIR CHRISTIAN: Thank you,
9 Commissioner Edwards. Commissioner Howard.

10 COMMISSIONER HOWARD: Thank you, Mr.
11 Chairman. I am very gratified at the work done on
12 this particular order. I think it's the beginning of
13 and well -- a -- a real process change in providing
14 anyone believe the word skepticism is actually in the
15 order. That then often the build it and they will
16 come philosophy that began with this, particularly
17 that this was purported to be exclusively -- well,
18 exclusively is the wrong phrase, but ... the majority
19 was supposed to be a home for an offshore wind
20 interconnect.

21 But it is now devolved because that
22 was more of a wish than an actual plan. There is no
23 plan for the Narrows as we speak. There is a plan to
24 make a plan, but the technical and -- it's just going
25 to be a very difficult process, and -- and we don't

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2 know how it's going to turn out. But I view this now
3 as the first step in Con Ed's -- they were very
4 upfront about the needs that they believe in their
5 own system to meet C.L.C.P.A. goals in a decarbonized
6 New York City and service territory.

7 This billion dollar investment, more
8 or less, is actually just 1/60th of their plan. One
9 sixtieth so you can do the arithmetic, you know, and
10 you understand that the entire decarbonization plan
11 and upgrading of the distribution system, in essence
12 what this helps enhance, is going to be a wildly
13 expensive undertaking.

14 One of the corollaries to this that I
15 ask always particularly related to New York City
16 capital investments is the impact of property taxes
17 on this particular project. Tammy, I know I've
18 talked to other staff about this. You know, I -- can
19 you tell us what we think the range of property taxes
20 that will be paid just on this project?

21 MS. MITCHELL: So I'm going to defer
22 to Jeff I think who has the numbers in front of him.

23 COMMISSIONER HOWARD: Terrific. Thank
24 you.

25 MR. HOGAN: Good morning,

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2 Commissioner. Yeah, so the -- the currently the
3 annual property tax for --.

4 CHAIR CHRISTIAN: Sorry, Jeff. Hold
5 on one second. Can we confirm that his mic is on?

6 MR. HOGAN: The -- the green light is
7 on. You cannot hear me?

8 CHAIR CHRISTIAN: You're good. Okay.
9 No, just coming off a little low. Okay. Thanks.

10 MR. HOGAN: Okay. I'll get a little
11 closer. Currently the annual property tax for
12 utility plant in New York City is about 6% of the
13 plant investment. So if we're talking about a \$810
14 million clean energy hub project per the supplemental
15 report, you're talking about \$48 million a year of
16 incremental property tax once this is fully
17 constructed, in service and hits the property tax
18 rolls.

19 COMMISSIONER HOWARD: And -- and that
20 goes for years and years and years?

21 MR. HOGAN: Yes, the -- the amount,
22 the balance of plant in service will change over time
23 will slowly be depreciated. But and so you could
24 expect it to have a slight decrease over time. But,
25 yes, for decades.

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2 COMMISSIONER HOWARD: I just want to
3 point out that that \$50 million times 10 times 20 is
4 money that goes directly to the City of New York.
5 Does nothing to enhance reliability or
6 decarbonization, is a general revenue tax for the
7 City of New York. And I think on a going forward
8 basis, as I said, this is 1/60th of the Con Ed
9 capital plan. If you do the arithmetic on that,
10 these numbers on the property tax impact are -- are
11 staggering.

12 I think it really behooves the -- the
13 government of the City of New York and the State of
14 New York for that matter that if we have to make
15 these enormous investments in the local T and D
16 systems -- in this case, you know, Con Ed's estimates
17 are in excess of \$60 billion, it cannot trigger a
18 windfall in New York City property taxes based on
19 their very unique, and I believe, onerous system of -
20 - of taxing utility property.

21 Again, for those projects that are
22 designed to meet C.L.C.P.A. goals and to decarbonize
23 the economy, I think we need to treat the property
24 tax issues and general tax issues very, very
25 differently than -- than we currently do. But I

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2 think that was just an important point to -- to make
3 here. And, again, we're at the beginning of a very
4 long journey with this company and this process. And
5 we have another order that we're going to talk about
6 shortly, well, it's also be part of that same -- same
7 process. But, again, I really do appreciate that
8 staff cleared out the fantasy from what is really
9 reality. And, again, I look forward to that
10 skepticism on future orders as well. But thank you.

11 CHAIR CHRISTIAN: Thank you,
12 Commissioner. Commissioner Valesky.

13 COMMISSIONER VALESKY: Thank you, Mr.
14 Chairman. Tammy, thank you for your presentation and
15 to your entire team for the -- for the work that
16 you've done on this item. I just have a couple of
17 questions and then just a general -- a general
18 comment. First of all, in regard to the -- the issue
19 of reliability, which is -- which is paramount. So
20 in April of 2022 the company filed a phase 2 project
21 seeking cost recovery for a project that would
22 deliver or that would interconnect 6,000 megawatts of
23 offshore wind.

24 It spoke -- spoke either not at all to
25 local reliability or very little. Nine months later

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2 a supplement comes in that is now based on local
3 reliability. So I'm trying -- and that's not that
4 long a period of time seems to be from -- for -- for
5 nine months to pass. So I'm trying to think to
6 myself what -- what -- what could cause such a change
7 in such a short of period of time?

8 Is it -- was -- the only things I've
9 come up with and I'll ask you if -- if either
10 resonates with you or if I'm missing something. I
11 suppose one -- one explanation might be the company
12 itself perhaps miscalculated and miss -- didn't --
13 didn't see that potential local relied -- reliability
14 problem at the time that they filed the initial
15 petition last April. I suppose another example to
16 the chairman's comments, perhaps we're doing so well
17 on our electrification efforts, vehicles and
18 otherwise that even in only a nine month period a
19 local reliability issue has raised -- has -- has
20 appeared that wasn't there only nine months before.

21 Do either of those resonate? I mean,
22 something -- something changed between April 2022 and
23 December 2022 apparently in regard to reliability.
24 I'm just curious what -- what that might be.

25 MR. ROSENTHAL: So let -- let me just

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2 start and then I'll hand it over to -- to Tammy. So
3 this is Bob Rosenthal. So the original petition -- I
4 would -- I would just say that there was a change in,
5 let's just say, how they characterize the local
6 reliability issue. And they -- it was definitely
7 raised in the petition.

8 The hub was -- was identified as the
9 source of energy to the Gateway Substation in the
10 original petition. It was just that the original
11 petition said the predominant need for the hub, as is
12 a point of interconnection, but it will also have
13 this ancillary benefit of providing energy to the
14 Gateway Substation which, by the way, is now, you
15 know, a substation that's involved in the actual rate
16 -- ongoing rate case.

17 I would -- so I would just say to
18 clarify, it was raised in the petition as let's say
19 an ancillary benefit. And then the supplement it was
20 raised as the primary benefit.

21 COMMISSIONER VALESKY: Primary. Okay.
22 Okay.

23 MS. MITCHELL: And the only thing I
24 would add to that goes to your point about increased
25 demand from electrification. I think it is

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2 increasing rapidly, particularly in this area. Con
3 Edison and -- and staff we've been watching the load
4 in this area for a long time. If you recall we had
5 the B.Q.D.M. project some time ago, a non-wires
6 alternative because the load in that area was
7 increasing.

8 Recently with the passage of
9 C.L.C.P.A. and Local Law 97 and all of our efforts on
10 electrification, this area in particular is seeing a
11 big impact from that as well as from, you know,
12 economic development new customer load.

13 COMMISSIONER VALESKY: Okay. Thank
14 you. I appreciate the clarification. The second
15 question would just be I just want to make sure that
16 -- that I'm -- that I'm understanding this correctly.
17 So the original petition, the original project we
18 were concerned, others were concerned that the
19 Narrows and the East River may not be able to handle
20 transmission cable capacity to carry 6,000 megawatts.

21 This, the scalable version of the
22 project in -- in our okaying 15 -- up to 1,500
23 megawatts, should there be the interest that we're
24 okay from -- from a technical, geographic, the river
25 itself. So, you know, the -- and you identified some

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2 of these comments or these concerns in -- in your
3 comments, Tammy, we're concerned about 6,000 but
4 we're not necessarily -- we're okay with 1,500? Is -
5 - is that safe to say?

6 MS. MITCHELL: So -- so I wouldn't say
7 that necessarily. I think there still needs to be
8 analysis done. What this order does is it would
9 approve the Con Ed hub as a reliability project to
10 serve Con Edison customer load. But it leaves open
11 the possibility that within the time period that
12 they're constructing it that it is shown that it is
13 feasible to interconnect 1,500 megawatts. So that
14 there will be points of interconnection for that
15 small incremental cost. And if, in fact, it's able
16 to -- if anybody's able to reach it.

17 COMMISSIONER VALESKY: Okay. So the
18 technical feasibility will still have to be shown
19 between now and --

20 MS. MITCHELL: Correct.

21 COMMISSIONER VALESKY: -- I think
22 Commissioner Burman raised a --

23 MS. MITCHELL: Yes.

24 COMMISSIONER VALESKY: -- a version of
25 this question earlier. Okay. That's -- that's

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2 helpful. Let me just say that I think, you know, for
3 -- for an order where you had a number of choices to
4 go, you had an original petition, you had a
5 supplement within the supplement itself. You had
6 reliability only, you had a scalable reliability
7 option, cost recovery you had options there. I think
8 -- I think that you've landed in the right spot in
9 terms of -- of the options that -- that could have
10 been presented to us and as such I'll be supporting
11 the item. Thank you very much.

12 CHAIR CHRISTIAN: Thank you,
13 Commissioner. Commissioner Maggiore.

14 COMMISSIONER MAGGIORE: Thank you. I
15 don't have any additional questions or comments. I
16 do appreciate the presentation and thank you very
17 much.

18 CHAIR CHRISTIAN: Thank you,
19 Commissioners. I'll now call for a vote. My vote is
20 in favor of the recommendation to approve the cost
21 recovery related to the clean energy hub as
22 described. Commissioner Burman, how do you vote?

23 COMMISSIONER BURMAN: Yes.

24 CHAIR CHRISTIAN: Commissioner Alesi,
25 how do you vote?

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2 COMMISSIONER ALESI: I vote yes.

3 CHAIR CHRISTIAN: Thank you.

4 Commissioner Edwards?

5 COMMISSIONER EDWARDS: Yes.

6 CHAIR CHRISTIAN: Commissioner Howard?

7 COMMISSIONER HOWARD: Yes.

8 CHAIR CHRISTIAN: Commissioner

9 Valesky?

10 COMMISSIONER VALESKY: Yes.

11 CHAIR CHRISTIAN: Commissioner

12 Maggiore?

13 COMMISSIONER MAGGIORE: Yes.

14 CHAIR CHRISTIAN: Thank you. We have
15 sufficient votes and the item is approved.
16 Recommendations are adopted. Thank you every one for
17 your hard work on this.

18 Okay. We'll now move on to our second
19 item for discussion today. Item 302 Case 23-E-0070
20 which relates to Instituting a Proceeding to Address
21 Barriers to Medium and Heavy Duty Electric Vehicle
22 Charging Infrastructure. This item will be presented
23 by Jennifer Robertson. With her is Zeryai Hagos and
24 Stephanie McDermott. Jennifer, please begin.

25 MS. ROBERTON: Good morning, Chair

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2 Christian and Commissioners. The order before you
3 today initiates a proceeding to address barriers to
4 medium and heavy duty electric vehicle charging
5 infrastructure under Case Number 23-E-0070. The
6 proceeding has two primary objectives. The first
7 objective is to develop the policies and programs
8 required to accelerate the adoption of medium and
9 heavy duty electric vehicles, also known as E.V.s,
10 through supportive charging infrastructure.

11 The second objective is to develop new
12 proactive utility planning approaches that ensure
13 cost effective and timely investments and
14 transmission and distribution infrastructure needed
15 to serve the growing electric vehicle charging demand
16 across vehicle duty classes.

17 The transportation sector produces
18 approximately 28% of New York's greenhouse gas
19 emissions as per 2019 figures making it New York's
20 second largest admitting sector. Mass adoption of
21 E.V.s, which are more efficient than fossil fueled
22 powered vehicles and do not produce tail pipe
23 emissions, is crucial to reaching the state's goal of
24 net zero emissions by 2050 as codified in the Climate
25 Leadership and Community Protection Act.

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2 To date the commission has implemented
3 policies and programs of a focus on the needs of
4 light duty E.V.s. On April 16th, 2018 the commission
5 initiated a proceeding to remove obstacles to E.V.
6 adoption under Case Number 18-E-0138. To this
7 proceeding on July 19th of 2020 the commission issued
8 the make ready order. The make ready order unlocked
9 significant investment and supporting light duty
10 vehicle electrification.

11 The Make-Ready Program's primary
12 intent is to provide incentives to offset the cost of
13 the infrastructure needed to prepare sites for
14 electric vehicle charging. The program is
15 implemented by the joint utilities of New York. The
16 Make-Ready Program is sized to build out sufficient
17 charging infrastructure to meet the state's goal of
18 having 850,000 zero emission vehicles on the road by
19 2025. The Make-Ready Program encourages charging
20 station developers and site hosts to make efficient
21 use of the existing utility infrastructure to the
22 publication of load serving capacity maps by utility
23 service territory that identifies locations of
24 existing capacity sufficient for E.V. charging.

25 The Make-Ready Program also provides a

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2 modest future proofing incentive of up to 10% of the
3 site specific make ready funding to support lowering
4 costs modifications to provide a -- the -- to prepare
5 the site primarily for future expansion plans.

6 Additionally the make ready order
7 authorized three programs aimed at advancing medium
8 and heavy duty E.V. adoption. The first of these
9 programs is the medium and heavy duty pilot which
10 funds utility side make ready costs for chargers that
11 support medium and heavy duty vehicles. The second
12 program is the transit authority make ready pilot
13 which has dedicated make ready funding for four
14 upstate transit authorities.

15 Lastly, the order authorized the
16 utilities to administer fleet assessment services
17 that provide fleet operators of sight feasibility and
18 rate analysis to support electrification efforts.
19 D.P.S. staff filed the make ready midpoint review
20 white paper on March 1st of 2023. The comment period
21 for the midpoint review white paper closes on May
22 15th of 2023. Staff looks forward to coming before
23 the commission on this matter at a later date.

24 On July 19th of 2023 and Case 22-E-
25 0236 the commission established a framework for

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2 alternatives to traditional demand based rate
3 structures which adopts the E.V. phase and rate that
4 blends in demand charges of a time of use rate as the
5 charging station's load factor increases. As an
6 immediate solution, utilities are to develop a 50%
7 demand charge rebate for all commercial E.V. charging
8 use cases upstate and only fast charging downstate
9 until the phase in rate is in place.

10 The order also directed utilities to
11 propose commercial managed charging programs that
12 provide incentives or bill credits for participants
13 who can shift their charging to the most beneficial
14 time for the grid. The solutions adopted in this
15 order reduce the impact of demand charges which
16 provides operational relief to fleets interested in
17 adopting electric medium and heavy duty vehicles
18 particularly while E.V. penetration remains low.

19 The proceeding to address barriers to
20 medium and heavy duty electric vehicle charging
21 infrastructure aims to expand upon the policies and
22 programs authorized by the commission with dedicated
23 attention to the challenges faced by medium and heavy
24 duty electrification as well as the need to
25 proactively plan for the anticipated infrastructure

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2 needed to support mass vehicle electrification.

3 Although proactive planning will
4 address the charging needs of all vehicle classes,
5 the high capacity batteries and chargers as well as
6 the rigorous duty cycle associated with truck and
7 vessel electrification underscores the importance of
8 addressing this sector's specific challenges. The
9 proceeding will also focus on the need of
10 disadvantaged communities overburdened by diesel
11 admissions from trucks and buses that increases the
12 local air pollution that irritates respiratory
13 systems and worsens asthma.

14 The initiating order would allow for
15 this proceeding to examine potential barriers to
16 medium and heavy duty electric vehicle charging
17 infrastructure and address associated proactive
18 utility planning needs in New York. The order
19 contains an appendix with questions for stakeholders
20 on this matter. Stakeholders have until May 22nd,
21 2023 to file initial comments and a reply comment
22 shall be filed by June 5th, 2023.

23 Department of Public Service staff
24 will expeditiously prepare white people -- white
25 paper proposals addressing the comments received.

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2 The white paper or white papers will be subject to
3 public notice and comment and will contain
4 recommendations for the commission's considerations.
5 Thank you for your time this morning. Zeryai Hagos,
6 Stephanie McDermott and I are available for
7 questions.

8 CHAIR CHRISTIAN: Thank you very much.
9 I -- I have a question about something you mentioned
10 earlier. You said something about a fleet assessment
11 services that utilities would provide. Can you --
12 can you speak to that a little bit about the nature
13 of those services?

14 MS. ROBERTON: Okay. Thank you, Chair
15 for the question. So the fleet assessment services
16 are authorized and -- and are -- pardon me, and are
17 available through the joint utilities. They provide
18 to fleet operators a -- services around rate analysis
19 and site feasibility for electrification. So those
20 services are currently available for all fleets.

21 CHAIR CHRISTIAN: Gotcha. I
22 appreciate that. Thank you. And if I'm remembering
23 correctly, this is your first time before us today --

24 MS. ROBERTON: It is.

25 CHAIR CHRISTIAN: -- so excellent job

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2 presenting.

3 MS. ROBERTON: Thank you.

4 CHAIR CHRISTIAN: Okay. So thank you
5 again for putting this together. You know, I -- I
6 find it interesting that in the preceding order we
7 talked about the need for infrastructure to support
8 our growing electric demands. Demands in part driven
9 by adoption of E.V.s and here we are talking about
10 the need to further examine the things that we need
11 to do to further accelerate their growth. And I
12 think it's important to recognize that given the
13 ambition behind our goals and a number of evolving
14 activities which are influencing them.

15 We see before us a growing consumer
16 interest in E.V.s and an interest that's likely going
17 to be further buttressed over time as new models
18 become available and even further enhanced given the
19 potential new E.P.A. requirements concerning battery
20 durability which are currently under discussion. So
21 we at the commission we monitor these things closely,
22 and I look at this process as one of the many things
23 that we are doing with that goal in mind, the goal of
24 making sure that the efforts we put forth are
25 supporting rather than hindering adoption of E.V.s

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2 and the deployment of charging stations throughout
3 the state.

4 So I look at this -- this order and
5 I'm happy to see that we're going to continue our
6 efforts to examine the best pathways for deploying
7 E.V. charging infrastructure with an emphasis on
8 medium and heavy duty E.V.s in particular. I think
9 it's going to be helpful to get the information from
10 our various stakeholders and individuals involved in
11 the sector. And through the actions outlined and
12 those efforts, this is ultimately going to support
13 our goals for having all new passenger vehicles in
14 New York State be zero emissions by 2035. And that's
15 an effort that aligns very closely if not perfectly
16 with our overall efforts to decarbonize the economy.
17 So thank you for putting this together. Looking
18 forward to the outcome of the process. And with that
19 I'll go to comments from other commissioners starting
20 with Commissioner Burman.

21 COMMISSIONER BURMAN: Thank you so
22 much, Chair. Kudos to Zeryai, Stephanie and Jennifer
23 and all the other staff working behind the scenes on
24 these issues. I do just have two minor process
25 issues before I get into my substantive comments.

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2 One, the draft order does have Footnote 11
3 referencing the climate action council's scoping
4 plan. It's really just siting it to, you know, some
5 statistics as to admissions with transportation. And
6 I just want to make sure that we're not adopting in
7 any fashion the final scoping plan by the reference
8 to that. Just really just need to hear that. That's
9 all.

10 MS. ROBERTON: Thank you, Commissioner
11 Burman. The intent of the footnote is just to -- to
12 site the -- the data not to adopt anything.

13 COMMISSIONER BURMAN: Okay. Great.
14 That's what I thought. Just wanted to make sure.
15 The other is that -- process question is we reference
16 in the draft order that there was filed a petition --
17 this Footnote 17 on May 11th, 2022 by several parties
18 who filed this joint petition highlighting the need
19 that -- that they requested for a statewide M.H.D.
20 Make-Ready Program in a comprehensive stakeholder
21 process. And we, in the draft order, sort of direct
22 those parties who filed the petition to use the forum
23 that's now being set up here as the -- the
24 appropriate forum for participation. Is that
25 correct, my understanding?

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2 MS. ROBERTON: That's correct,
3 Commissioner Burman.

4 COMMISSIONER BURMAN: Okay. Great.
5 With that I -- I just raise, you know, I think that
6 for me, in a sense, that petition and the comments
7 that were there are important for them to sort of to
8 the extent that the parties feel now need to be moved
9 over to this forum, you know, while it's not going to
10 be considered as a petition to the extent that their
11 comments are still viable after they read through the
12 draft order.

13 I do think that, you know, in some
14 fashion we need to sort of have closure on that
15 pending petition. And -- and I do think that it
16 shouldn't necessarily be on the parties to have to
17 decide to withdraw it or to keep open. And I think
18 because sometimes we keep open proceedings that we
19 think are sort of dormant and then somehow they're --
20 they're revitalized, even while we may have other
21 forums, I just from a process perspective would like
22 to see sort of a more formal, the commission
23 recognizes that that petition is no longer viable and
24 moot to the extent that there are substantive issues
25 that we are still addressing. The proper forum is

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2 now this case that we're opening and so that we are
3 effectively agreeing that that case matter shall be
4 closed but not necessarily prohibiting folks from
5 raising those issues in this forum. Does that make
6 sense?

7 MS. ROBERTON: That makes sense.

8 Thank you Commissioner Burman. I'll note also that
9 petition at this point is somewhat dated almost. It
10 -- we've kind of moved past some of the issues raised
11 by the -- the stakeholders. They asked for very
12 specific modifications to the Make-Ready Program and
13 this -- this proceeding will go above and beyond
14 those specific issues.

15 COMMISSIONER BURMAN: Right. Exactly.
16 So thank -- thank you. I appreciate that
17 clarification. So this is where I come out. I am
18 for opening up this proceeding and establishing now
19 this forum and process. I am a strong yes. I think
20 that staff has really worked diligently to try to
21 come up with the next steps and the mechanisms in
22 what this will look like in sort of a planning
23 process.

24 Electrification of the transportation
25 sector does present us with a huge opportunity to

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2 reduce greenhouse gas emissions and to improve air
3 quality. That's a good thing. However, the -- the
4 challenge, the concerns for me to reap these benefits
5 is that we will need to ensure that we have a safe,
6 reliable, affordable and sustainable electric supply.

7 And as we see a greater E.V. demand,
8 there's going to be huge pressure and increase in the
9 need for us to ensure a reliable electricity supply
10 is there. I think this item really tries to set the
11 stage for a forum for stakeholders to try to address
12 the electric delivery infrastructure needs of the
13 transportation sector and tries to do it in a fast
14 track way while being prudent in what we're doing and
15 how we're doing it.

16 It's an issue that, and clearly from
17 looking at the petition that was filed back in May of
18 2022, that folks clearly are engaged in and
19 passionate on the issue. I -- I will be looking to
20 see those petitioners if they feel comfortable now
21 with this forum as the opportunity that they've been
22 seeking and sort of the ability now to help us in
23 shaping what the next steps look like.

24 I think it's really important that we
25 focus on a balanced forward movement because while we

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2 do need to move fast on a lot of things, we need to
3 maintain reliability, affordability. And, again,
4 doing this in the framework of a transparent
5 collaborative process that people feel their voices
6 were heard even if ultimately perhaps not completely
7 granted all the different things that people may ask
8 for. But that they feel like it -- the process
9 worked to get us all to a good collaborative end
10 process.

11 So, for me, what I -- what I would
12 like to also see is that as you move forward in the
13 next steps and in the forum and the planning process,
14 I'd like to see a broader focus also in making sure
15 that it's not just those who are focused on E.V.s but
16 that we really also make sure we bring into that
17 others who care about with the greater E.V. demand or
18 other electricity demand, energy demands that they're
19 focused on what it means for the technical aspects,
20 the logistical aspects and the cost aspects of the
21 need for a reliable electricity system because I
22 think that too often when we have some forums that
23 are strictly focused on one thing, we only get -- we
24 don't get the fuller picture outside of that.

25 So I'd like us to -- I'd like to ask

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2 staff to try to really focus on bringing under the
3 hood those folks who could help sort of shape it from
4 that technical perspective that may -- that may be
5 helpful. So that's -- that's my request. You don't
6 have to -- you don't have to answer now. Just keep
7 it in mind.

8 The other thing is that as -- as we
9 move forward with the -- what I see as truly a
10 proactive planning process, there are going to be
11 other things that will come and be asked to be
12 considered in this. And there may be too much of a
13 laundry list. But to the extent that there are
14 important things that are on that list, the need to
15 make sure that we prioritize and we give clear signal
16 on where some of those planning processes or
17 substantive issues may get dealt with that will have
18 to directly or indirectly tie back in to what we're
19 doing so that folks really feel like we are not just
20 saying oh that's -- that's for another thing. You
21 know, not here, right. But that we're really trying
22 to do linkage between the different processes of all
23 of our proceedings.

24 And with that I also think that as we
25 are going forward it really has to be considered in

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2 the larger context of distribution system upgrades
3 and what that looks like. And, again, trying to
4 really understand it and make sure that we're dealing
5 with reliability, affordability and safety. Now
6 safety is a big issue for all of us. It is Dig
7 Safely Month. And while this may seem outside of the
8 scope of an E.V. proceeding, I do pause because every
9 -- every utility, every contractor, every person that
10 is engaged in something where they are needing to dig
11 in the ground needs to be aware of 811 and
12 proactively engage.

13 So I do want to flag this as an issue
14 that may not get sort of looked at, you know, or
15 thinking that it's not sort of in an E.V. space. But
16 as it concerns E.V. charging infrastructure and the
17 putting in of E.V. chargers, it's really important
18 that we remind folks and that those that are engaged
19 in it that, you know, New York did pass a law in 2018
20 that requires all contractors who do excavation work
21 to complete 811 training.

22 And I just want to ensure that our
23 charging contractors are proactively educated on
24 these issues. And I believe it's truly imperative
25 that we ensure that they have access to and are

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2 engaged in further education and training for safety
3 related concerns. And that that should be considered
4 even if it seems like low hanging fruit as staff is
5 looking at developing a proposed program and
6 different issues because I do just want to make sure
7 that we include that safety concern and other safety
8 concerns that may be there.

9 So those are my requests. Thank you.
10 I have no further questions.

11 CHAIR CHRISTIAN: Thank you,
12 Commissioner Burman. I'll go to Commissioner Alesi.

13 COMMISSIONER ALESI: Thank you,
14 Chairman. I'll be supporting this. I appreciate the
15 effort and the time, expertise that goes into this
16 report as well as pretty much everything that comes
17 before us. So thank you. I am -- I am going to be
18 supportive of it recognizing all of the components of
19 your report. But the one thing that pleases me and
20 continues to please me as we pursue eliminating
21 carbon from our atmosphere is that there's a
22 continuing thread that recognizes that our
23 disadvantaged communities have been left behind in
24 the past.

25 And we all recognize now and have been

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2 for the recent past that there are extremely high
3 asthma rates in those areas. And so with all of the
4 good things in your report that we hope to achieve,
5 I'm very gratified to know that we'll continue to
6 focus on that problem of asthma and our disadvantaged
7 communities. So that's good for me. I'll be
8 supporting after.

9 CHAIR CHRISTIAN: Thank you,
10 Commissioner. Commissioner Edwards?

11 COMMISSIONER EDWARDS: Thank you. I
12 just have -- Jennifer I have a question. If you
13 think about the proceeding, I mean the petition that
14 we approved just prior to this one, 301, is there
15 anything that you think that we will be doing
16 differently once we move forward with the policies
17 and programs and planning approaches? Is there
18 anything that you think -- because it's so close and
19 we're doing them at the same time, is there anything
20 that you think we could be doing better or you would
21 like to see us include in this at all?

22 MS. ROBERTON: Thank you for the
23 question, Commissioner Edwards. At this point in
24 time we I think need to think through where no
25 regrets sites are located for medium and heavy duty

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2 vehicles in particular. Knowing that fleets can move
3 over time but highway rest stops are more likely to
4 stay there for decades to -- to come. The timeline
5 for interconnection and upgrades force some of those
6 sites to get the charging infrastructure needed can
7 be upwards to five years in some cases. So this
8 proceeding will be directly addressing those -- those
9 issues. But I think that we need to hear from
10 stakeholders and where our efforts should be really
11 siload and -- and most effective.

12 COMMISSIONER EDWARDS: Okay. Great.
13 Thank you. Good job.

14 MR. HAGOS: Oh, Commissioner Edwards
15 if I could just add one detail to that --

16 COMMISSIONER EDWARDS: Yeah, please.

17 MR. HAGOS: -- because I -- everyone's
18 kind of noting the -- the similarities between the
19 strategy we're trying to implement through this
20 proceeding and the item just previously. So I looked
21 at the -- the activity in the Con Edison areas
22 surrounding the Brownsville Substations that were
23 addressed in that previous item. And what we saw is
24 there's about 1,500 charging point ports in the queue
25 right now totaling about 30 megawatts of load that,

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2 you know, really just in recent applications that
3 came into the Make-Ready Program.

4 And so while we don't know exactly
5 what we'll be doing with that information, there is
6 information available to the utilities and to
7 stakeholders that could be used to be more proactive.
8 And I think it's just a wonderful example of the type
9 of insight that we could use to be more proactive
10 than just in time with how we address planning and --
11 and especially with advance clean trucks, larger
12 freight vehicles and larger battery capacities. The
13 magnitude of these increases and the short timespan
14 in which they're going to show up is just going to
15 continue to grow. So just wanted to make that
16 additional clarification.

17 COMMISSIONER EDWARDS: No. Thank you.
18 Thank you both. Great work.

19 CHAIR CHRISTIAN: Oh, sorry, let me
20 repeat myself. My mic was off. Thank you,
21 Commissioner Edwards. Commissioner Howard.

22 COMMISSIONER EDWARDS: You're welcome.

23 COMMISSIONER HOWARD: Thank you, Mr.
24 Chairman. Well, Jennifer, first of all I want to say
25 it's a real pleasure working with this new -- a

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2 relatively new staff person. We got to spend some
3 time together last week and I -- I think we covered a
4 lot of ground. Like just about everything we do
5 here, there's sort of two challenges here.

6 First is the technical and engineering
7 challenges. How do we actually get enough wires and
8 power to various sites to do any variety of things?
9 In this case, charging heavy and medium duty
10 vehicles. And the second one is fiscal. It's about
11 the money. And I've shared this with you personally
12 Zeryai probably more than a few times. I'm
13 particularly concerned about how we -- how we handle
14 the fiscal implications of serving large fleets.

15 And -- and that sort of fall into two
16 buckets, the large fleets. The government owned
17 fleets, transit vehicles, or sanitation vehicles,
18 construction vehicles. A variety of other heavy and
19 medium duty vehicles that are necessary to do the
20 work of -- of government. And the second part is
21 private fleets where everything from delivering soft
22 drinks and beer to the packages that show up
23 mysteriously at our house every day and everything
24 else. Remember at the last mile everything grows in
25 a truck.

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2 So -- so and this is where it gets --
3 I -- as we do this exercise I don't -- we have to be
4 very mindful of what needs to be financed by the
5 government, in this case transient agencies or any
6 other aspect of government that is a responsibility
7 of the government. And then with private fleets
8 often operated by very profitable private
9 corporations. What is their responsibility on
10 financing this -- this program? And to minimize
11 wherever possible -- I know in some cases exclusively
12 the impact on all ratepayers.

13 Again, this is a -- a program to
14 fulfill a policy need created by the C.L.C.P.A. which
15 is totally silent on how we pay for anything. And in
16 this case, you know, we will -- we know, for
17 instance, just I use the M.T.A. because it's easy,
18 it's going to cost a lot of money to not only
19 purchase the E.V., the electric buses and other
20 vehicles. But the changing the infrastructure both
21 at the distribution side of the equation.

22 Getting the electricity to these fleet
23 charging opportunities. And then on the fleet
24 owner's side, to do the infrastructure work necessary
25 for them to actually get it done to wherever extent

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2 possible those need to be paid through transportation
3 revenue streams, not through utility share hold or
4 ratepayer revenue streams wherever possible. This is
5 an opportunity where we could just use the utility --
6 our utility bills as de facto tax increases for other
7 aspects to serve other aspects of the government.

8 And for those on the private side, I
9 absolutely believe that electrification will be part
10 of doing business in this state. And if you need to
11 deliver beer and potato chips and groceries or
12 whatever, this will be on -- should be on your nickel
13 to wherever extent we can. And not be subsidized to
14 a great extent by utility ratepayers.

15 So I think that -- those two aspects -
16 - the technical one is hard enough. But the fiscal
17 one is, in many cases, intractable, particularly when
18 we try to save M.T.A. fares forever frozen. Who
19 already admit they have no money for their current
20 operating program. So, again, I think that analysis
21 needs to be very clear that in order to serve these
22 entities it's going to take this sort technical
23 undertaking.

24 But what we really need to know with
25 great precision how much it's going to cost and that

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2 way this commission can allocate those costs
3 appropriately. And then maybe the legislature in
4 their wisdom will also allocate state revenues
5 appropriately as well. But, again, I look forward to
6 this. Jennifer, welcome. Again, this is not going
7 to be easy but I'm -- I'm very confident in our staff
8 to -- to get this done. But thank you.

9 CHAIR CHRISTIAN: Thank you,
10 Commissioner. Commissioner Valesky.

11 COMMISSIONER VALESKY: Thank you, Mr.
12 Chair. Jennifer, Zeryai, Stephanie, good job on this
13 item. Appreciate the work that you've put forward
14 here. I have no comments or questions. Thanks.

15 CHAIR CHRISTIAN: Thank you,
16 Commissioner. Commissioner Maggiore.

17 COMMISSIONER MAGGIORE: Thank you.
18 Thank you, Jennifer for the presentation and thank
19 everybody for the -- their work on this. And,
20 Jennifer, welcome aboard. I don't have any
21 questions. I -- I do want to just comment briefly
22 that I'm encouraged by this order and I'm encouraged
23 that we're at the point in human history where this
24 type of order is prudent.

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2 depends in part on infrastructure that doesn't exist
3 yet. And, you know, we address that in different
4 ways every month. And, you know, the staff addresses
5 it every day. It also depends in part on technology
6 that continues to evolve and, put a different way,
7 technology that doesn't exist yet either. And
8 whenever we have an item that relates to electric
9 vehicles, in some way I think back to a documentary
10 that I saw a few years ago called Who Killed the
11 Electric Car.

12 And I think about how amazing it is
13 that that documentary was released in 2006 and that
14 the premise of that documentary doesn't really make
15 sense anymore. That's a good thing. So it's -- I
16 find this encouraging and I think it speaks to the
17 importance of the type of work that we're -- we're
18 doing. So thank you for the presentation and thank
19 you for the order. I'll be supporting it.

20 CHAIR CHRISTIAN: Thank you,
21 Commissioner. I'll now bring us to a call for a
22 vote. My vote is in favor of initiating the
23 proceeding to address the barriers to medium and
24 heavy duty E.V. charging infrastructure as discussed.
25 Commissioner Burman, how do you vote?

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2 COMMISSIONER BURMAN: Yes.

3 CHAIR CHRISTIAN: Commissioner Alesi?

4 COMMISSIONER ALESI: Yes.

5 CHAIR CHRISTIAN: Commissioner --

6 excuse me, Commissioner Edwards?

7 COMMISSIONER EDWARDS: Yes.

8 CHAIR CHRISTIAN: Commissioner Howard?

9 COMMISSIONER HOWARD: Yes.

10 CHAIR CHRISTIAN: Commissioner

11 Valesky?

12 COMMISSIONER VALESKY: Yes.

13 CHAIR CHRISTIAN: Commissioner

14 Maggiore?

15 COMMISSIONER MAGGIORE: Yes.

16 CHAIR CHRISTIAN: Thank you. The item

17 is approved and the recommendation is adopted. Thank

18 you everyone. I will now move on to the consent

19 agenda. Do any commissioners wish to comment on or

20 recuse from voting on any items on the consent agenda

21 today? We'll begin with Commissioner Burman.

22 COMMISSIONER BURMAN: Yes, thank you.

23 I just have some quick comments to make on a couple

24 of the items. In Item 261 and 263 these are both

25 seeking to extend the maximum suspension period and

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2 to be made whole for the delay from pending rate case
3 proceedings. In 263 there were significant number of
4 comments asking us to either deny outright the
5 extension and the make-whole or to deny or limit in
6 some fashion the amount of time we give for the --
7 the make-whole provision and extension.

8 I just really want to comment that I
9 really understand the frustration of interested
10 parties in rate cases. And in this one in 263 in
11 particular, both multiple intervenors and Nucor who,
12 you know, raise concerns with the make-whole aspect
13 of it because of what that means in impact on rates.
14 And I do think that while I understand the
15 frustration, we definitely have to sort of look at it
16 in the context of the Public Service Law and the
17 obligation to decide a rate matter in 11 months.

18 And when we have historically pre
19 COVID, when we have granted extensions, it generally
20 had historically been for one month at a time. And
21 try to really sort of hold everyone to resolving the
22 issue in a -- in a timely period and granting that
23 extra month really gave people that sort of shorter
24 time to decide it.

25 And then I've noticed sort of over the

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2 last several years, and it seems tied to me to having
3 been increased during COVID, you know, we -- we dealt
4 with a lot during COVID. We had a lot of different
5 mechanisms that we did to help keep rates, you know,
6 at a -- at a standstill. And I think that caused
7 also what we have now which is tied in with our state
8 policies really difficult rate increases, you know,
9 matters that are before us for decision.

10 And so that's caused an uptick I think
11 in, you know, people, you know, wanting us to deny
12 outright the rate increases. And -- and also it's
13 caused us to sort of get off track with these
14 extensions and granting them seemingly for longer
15 periods of time and more routinely and a continuous
16 process. But it's also I think causes me concern
17 when I see in a pending petition asking for an
18 extension of time and to be made whole where I see
19 parties saying, you know, don't and -- and sort of
20 getting confused between that and the rate case and
21 the settlement discussions there may or may not they
22 be involved in where they land.

23 And it -- it also may wind up that
24 we're going to see more only staff and the company
25 settling. And historically we tried to have a much

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2 more broader party signing off on the settlement
3 discussions. And that's been something I think that
4 has been helpful. I don't have the answers but I do
5 think that we need to sort of look at what we can do
6 to make sure that we go back to, you know, pre COVID
7 time frames where we are looking at these extensions
8 of time on just, you know, one month it's necessary
9 and really trying to hold feet to the fire making
10 sure that staff is helping with that.

11 But also to the extent that we are
12 understanding that we may need to figure out what it
13 is that we have to do from an education perspective
14 and also a collaborative perspective in parties who
15 may come in with single issues. That if the answer
16 is well, we're not going to give you what you want
17 for that single issue then it's a I'm not going to
18 settle. And how do we balance that in a way that
19 helps folks feel that their voices are heard but
20 understand sort of the broader rate case look that
21 needs to happen.

22 And if then do have settlements, joint
23 proposals that come before us which are just staff
24 and the company, what are the -- what are the
25 metrics, what are the things that we're looking at to

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2 see that there was valid attempts or viable attempts
3 to get other parties. And what was missing because
4 it may be that, you know, the -- moving forward on
5 the settlement without other parties signing on where
6 before it used to be historically seen as, you know,
7 this isn't good. There may be now in at least
8 showcasing that attempts were made and that this is
9 where parties were and there was a parting of the
10 way.

11 And that may require some more
12 logistics before people go into the settlement
13 discussions for understanding. It also may require
14 the settlement judges being given, you know, the
15 tools to hold people a little bit more accountable.
16 And -- and, you know, that includes our staff. And -
17 - and then helping sort of flush that out. And that
18 time frames and deadlines are really important so
19 that whoever is in the room in settlement discussions
20 need to be the ones who can also, you know, give the
21 final sign off or -- or get that, you know, pretty
22 quickly in terms of their ability to move forward.

23 So and -- and I do just want to say, I
24 think it is only fair that if a company under the
25 current statute is willing to consent to an extension

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2 and we see that it is viable to continue to engage in
3 settlement discussions, it's only fair that they be
4 made whole. And want to remind folks, at least where
5 I sit, it has always been historically and it -- that
6 getting to a settlement is better for the consumer
7 than us entering into litigation or one year rate
8 cases that does not seem to produce necessarily, you
9 know, a consumer friendly outcome.

10 And, in fact, there are a lot more
11 challenges and logistics and fiscal implications
12 doing that. And so we should be still airing on
13 productive settlement discussions that lead to a
14 joint proposal. So that's 261 and 263.

15 364 which is the emergency response
16 plans I will be concurring. I just want to raise
17 sort of two comments on that first. Kudos to staff.
18 You continue to amaze me with the collaborative
19 process on emergency response plans and all that that
20 comes. And -- and there's been a lot more that's
21 been sort of put into the emergency response plans.

22 And my concurrence really is because
23 some of what's now going into the emergency response
24 plans are related to newly enacted laws including
25 Section 73 dealing with the customer credits and

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2 reimbursements as well as utility responders from
3 travel bans.

4 There's going to be a cause and effect
5 on rate pressures from a lot of the new things that
6 go into the emergency response plan as well as that
7 have come out also in addressing, you know, sort of
8 lessons learned from storms but also new requirements
9 like cyber security and other things. And we have
10 other proceedings that are addressing, you know, the
11 climate resiliency as well that will also sort of
12 impact emergency response.

13 So I recognize that Section 73 is
14 being -- and -- and consumer credit issues are being
15 incorporated here but we do have some pending
16 litigation around that. And so I take pause because
17 I had dissented when we had agreed to Section 73 and
18 -- and believe strongly that my rationale for the
19 dissent for me was appropriate. And then the second
20 is the utility responders from travel bans.

21 We do need to monitor that and make
22 sure that when there is a -- a response to an issue
23 on the ground that we are seeing if there are any
24 hiccups in folks being able to -- utility responders
25 being able to travel even though there's a travel

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2 ban. Are there people that are -- are, you know, is
3 there miscommunication in terms of, you know, what
4 that means? Are the right people doing it?

5 How do we make it more accessible so
6 that we're not trying to go through sort of, you
7 know, bureaucracy while we need the utility
8 responders to be able to effectively get there
9 A.S.A.P. And how this also impacts-- I know we --
10 you know, there's been filings from the Telcom
11 (phonetic spelling) folks on their emergency response
12 plans. I don't know that the law is that clear on
13 exactly who falls into a utility responder, and so we
14 need to sort of make sure that we have the
15 flexibility to work with folks because on a given
16 event it may be different people who would be not
17 seen initially as the technical person for utility
18 response.

19 But based on the event that happens
20 they may have to qualify even if at first blush they
21 didn't seem that. How do we deal with that issue?
22 So that's just what I want to raise on 364.

23 On 372 I -- I am a yes but I just want
24 to raise an issue. This is the approval of selling
25 the, you know, the -- the building and property,

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2 granting a permanent easement for the parking lot of
3 a facility. But there is a footnote here on page
4 four. Actually two footnotes, four and five that
5 just made me take a little pause because we had a
6 pending matter that was essentially dormant from
7 2007. We issued -- well, the -- the commission that
8 was here at the time had issued a -- a 2007 order
9 that the company then petitioned for rehearing in
10 2007.

11 And it did -- the case did not get
12 closed until March 27th of 2023 and it was closed at
13 the company's request because we're now addressing
14 the issues in this present petition. I do think we
15 do need to recognize that there are pending petitions
16 that are out there. Some clearly people would
17 identify as dormant. Others people are waiting
18 desperately for us to decide them.

19 And what the logistics of that looks
20 like and what are we doing to, one, make sure that we
21 properly resolve and close cases as needed. But also
22 to the extent that there are cases or petitions that
23 are pending that may require at least us
24 affirmatively deciding to give some kind of
25 indication of when or when not it may come to the

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2 commission. You know, and as we saw in some of the
3 other cases today, petitions were filed that we moved
4 into different proceedings. So I just raise that.

5 And then on 374 I am a no on this
6 item. I do recognize and I -- that there may be some
7 benefit to what we're doing here. But we also have
8 to recognize more holistically some unintended
9 consequences. On page five we talk about the A.C.P.
10 payments. Hold on for a second, I'm sorry. In here
11 it says that the petition highlights that the
12 proposed approach would eliminate the need for
13 A.C.P.s. NYSERDA would only collect enough funds to
14 meet contractual requirements for compliance year
15 plus any commission approved administrative adder.

16 At first blush that may seem like a
17 good thing. However, there may be some unattended
18 consequences. One that comes to mind to me is we
19 have traditionally done some orders with moving
20 C.E.S. monies from one program to another and saying,
21 you know, there's no fiscal impact because it's --
22 it's not new money, it's -- it's just money that
23 we're repurposing.

24 We're going to have less of that.

25 That's one unintended consequences perhaps. Perhaps

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2 a good thing but it does mean that we need to kind of
3 look more holistically at C.C.S. The other is, for
4 me, the implementation plan doesn't come back to the
5 commission. I always believe even though it may take
6 a little bit longer, because you have to SAPA it and
7 then get it to the commission for a decision that I
8 do believe that by having the implementation plan out
9 there SAPA'd for people to comment on and then for
10 the commission to weigh in, it does give us at times
11 a better work product or at least flushes out some of
12 the unintended consequences. And helps to refine the
13 implementation plan commission led rather than worked
14 through between staff and NYSERDA.

15 But I do also recognize that there is
16 going to be a biannual review of the C.E.S. starting
17 next summer which will give the commission an ability
18 for us to do a comprehensive review of the C.E.S.
19 which I think is helpful. It will also give us an
20 ability to look at, you know, load share issues as
21 well which I think is appropriate. So with that I
22 have nothing further. And I'll be a no on 374.
23 Thank you.

24 CHAIR CHRISTIAN: Thank you,
25 Commissioner. Commissioner Alesi?

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2 COMMISSIONER ALESI: Thank you, Chair.

3 I have nothing to add.

4 CHAIR CHRISTIAN: Thank you,

5 Commissioner. Commissioner Edwards?

6 COMMISSIONER EDWARDS: No, I do not

7 have anything to add.

8 CHAIR CHRISTIAN: Thank you,

9 Commissioner. Commissioner Howard?

10 COMMISSIONER HOWARD: Yes, there are

11 two items. First on 369 I will be voting no

12 consistent with my previous votes. And Item 374 I'll

13 also be a no however I -- I do recognize there's

14 aspects of it that provides some incremental

15 benefits. However, the underpinning still being a

16 load share ratio scheme that I find wholly

17 unacceptable. So with that those are my two comments

18 and we'll take it from there.

19 CHAIR CHRISTIAN: Thank you.

20 Commissioner Valesky?

21 COMMISSIONER VALESKY: Thank you, Mr.

22 Chair. Just a very brief comment on Item 261 similar

23 to Commissioner Burman's comments on 261 and 263,

24 specifically, though to 261 Con Ed. Certainly in 301

25 we took an action that will eventually, not right

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2 away, but eventually have an impact on Con Ed
3 ratepayers. 261 we already do, of course, have a
4 joint proposal that is signed certainly by more
5 parties on the electric side than the gas side.

6 And -- and while I'll be supporting
7 this item I'm hoping this is the last suspension that
8 we will see. The further out we get the -- the
9 greater the impact of -- of compression so that the
10 impact will potentially be much more dramatic in that
11 first year when we take that -- that up. So, again,
12 261 I will be supporting the item but do want to say
13 that it's my hope that this will be the last
14 extension that we'll be -- that -- that will come
15 before us. Thank you.

16 CHAIR CHRISTIAN: Thank you.
17 Commissioner Maggiore?

18 COMMISSIONER MAGGIORE: Thank you.
19 I'm going to comment on two items. First is 263 and
20 I have some sentiments that are similar to what
21 Commissioner Burman expressed. I try to always
22 familiarize myself with public comments and I thank
23 everybody from the public that takes part in -- in
24 these processes.

25 There were many comments on this item

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2 that -- there were many comments on this item period.
3 The vast majority of which I -- I don't think are
4 pertinent to the order that's before us today. Of
5 those comments that do speak directly to what we're
6 voting on today, there was one letter in particular
7 that stuck out to me that speaks on behalf of several
8 advocacy groups.

9 And I -- I found myself in sympathy
10 with the sentiments behind the letter. There's
11 actually three versions of the letter. That said I
12 don't see how voting no would move the process closer
13 to where these advocates would want to end up. In
14 fact, I think a no vote would move in the opposite
15 direction. So while I'm sympathetic with the
16 underlying sentiments I'm going to vote yes.

17 The second item I'd like to touch on
18 is 364, the emergency response plans. And I just --
19 I have two recommendations I'd like to make and I'd
20 like to, you know, before I do that acknowledge the -
21 - the work that Kevin Wisely (phonetic spelling) and
22 his team does to review these plans. The first
23 comment I'd like to make is these are very luminous
24 plans. They get amended the month that we vote on
25 them so these plans this month -- these plans were

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2 amended this month.

3 And the -- the recommendation I'd like
4 to make is that where possible we enhance the
5 consistency of format and language so that like
6 things are described in like language. And the
7 reason I'm saying that is where there's a deviation,
8 when different utilities are talking about the same
9 thing in -- in different ways, if there was greater
10 uniformity it -- it would be easier to tell if
11 differences were on purpose.

12 Or if the utilities are just using
13 their own language to describe the same thing. So I
14 -- I would encourage as we go forward, you know, in
15 the future we -- we review these on an annual basis.
16 That we -- we move towards greater consistency in
17 both the format and the language.

18 The second recommendation I'd make is,
19 you know, several of these plans make reference to
20 specific events including storms that have taken
21 place in the past and they -- they're referenced in
22 terms of how the plans have been amended in the past
23 as a result of circumstances that were either unique
24 or -- or particularly severe as a result of a
25 particular storm.

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2 I think that we -- we in the State of
3 New York experienced a storm in December of last year
4 that principally affected western New York and also
5 parts of the North Country. That from, you know,
6 from my experience in dealing with a storm response
7 seems from afar to have had some unique or atypical
8 features that I think it's worth all utilities to
9 review that storm as well as the response of the
10 utilities that were in the service area that was
11 affected. And just review their plans as we go
12 towards next year to see if any additional
13 adjustments make sense in -- in light of those
14 events.

15 I am going to vote yes and, again, I
16 want to thank everybody who worked on -- on -- on
17 reviewing those plans. Other than that I have no
18 additional comments. I'm going to vote on the
19 entirety -- vote yes on the entirety of the consent
20 agenda.

21 CHAIR CHRISTIAN: Thank you,
22 Commissioner. We'll now move to call for a vote. My
23 vote is in favor of the recommendations on the
24 consent agenda. Commissioner Burman, how do you
25 vote?

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2 COMMISSIONER BURMAN: I vote yes
3 except 364 I concur. And 374 I'm a no. Thank you.

4 CHAIR CHRISTIAN: Thank you.
5 Commissioner Alesi?

6 COMMISSIONER ALESI: Yes on all items.

7 CHAIR CHRISTIAN: Thank you.
8 Commissioner Edwards?

9 COMMISSIONER EDWARDS: Yes on all
10 items.

11 CHAIR CHRISTIAN: Thank you.
12 Commissioner Howard?

13 COMMISSIONER HOWARD: Yes on all items
14 with the exception of Item 369 and 374 where I'm a
15 no.

16 CHAIR CHRISTIAN: Thank you.
17 Commissioner Valesky?

18 COMMISSIONER VALESKY: Yes on all
19 items.

20 CHAIR CHRISTIAN: And Commissioner
21 Maggiore?

22 COMMISSIONER MAGGIORE: Yes on all
23 items.

24 CHAIR CHRISTIAN: Thank you everyone.
25 The items are approved and the recommendations are

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2 adopted. Thank you all. Madam Secretary, is there
3 anything else before us today?

4 SECRETARY PHILLIPS: There's nothing
5 more today.

6 CHAIR CHRISTIAN: All right. Thank
7 you very much. And with that I will adjourn today's
8 meeting. Thank you every one.

9 (The meeting concluded at 12:11 p.m.)

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2 STATE OF NEW YORK

3 I, MONIQUE HINES, do hereby certify that the foregoing was
4 reported by me, in the cause, at the time and place, as
5 stated in the caption hereto, at Page 1 hereof; that the
6 foregoing typewritten transcription consisting of pages 1
7 through 77, is a true record of all proceedings had at the
8 hearing.

9 IN WITNESS WHEREOF, I have hereunto
10 subscribed my name, this the 24th day of April, 2023.

11

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13 MONIQUE HINES, Reporter

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A	
A.C.P 69:9	adjourn 77:7
A.C.P.s 69:13	adjustments 75:13
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